

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Adler	Team: Squad #1	CCRB Case #: 202004010	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/20/2020 10:45 PM	Location of Incident: In front of § 87(2)(b)	Precinct: 73	18 Mo. SOL 11/20/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 05/26/2020 12:18 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/08/2020 11:13 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Ibrahim Adam	20396	958214	PSA 2
2. PO Abir Noor	21625	959847	PSA 2
3. PO Godwin Ngai	01239	954175	PSA 2
4. LT Favio Quizhpi	00000	948119	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.LT Favio Quizhpi	Abuse: Lieutenant Favio Quizhpi stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
B.PO Godwin Ngai	Abuse: Police Officer Godwin Ngai stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
C.PO Ibrahim Adam	Abuse: Police Officer Ibrahim Adam stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.PO Abir Noor	Abuse: Police Officer Abir Noor stopped the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
E.PO Godwin Ngai	Abuse: Police Officer Godwin Ngai frisked § 87(2)(b)	§ 87(2)(b)
F.PO Godwin Ngai	Abuse: Police Officer Godwin Ngai searched § 87(2)(b)	§ 87(2)(b)
G.PO Ibrahim Adam	Abuse: Police Officer Ibrahim Adam frisked § 87(2)(b) .	§ 87(2)(b)
H.PO Ibrahim Adam	Abuse: Police Officer Ibrahim Adam searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
I.PO Abir Noor	Abuse: Police Officer Abir Noor searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
J.PO Abir Noor	Abuse: Police Officer Abir Noor refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
K.LT Favio Quizhpi	Abuse: Lieutenant Favio Quizhpi failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
L.PO Abir Noor	Abuse: Police Officer Abir Noor failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
M.PO Ibrahim Adam	Abuse: Police Officer Ibrahim Adam failed to provide § 87(2)(b) with a business card.	
N.PO Godwin Ngai	Abuse: Police Officer Godwin Ngai failed to provide § 87(2)(b) with a business card.	
O.LT Favio Quizhpi	Abuse: Lieutenant Favio Quizhpi failed to provide § 87(2)(b) with a business card.	
P.PO Ibrahim Adam	Abuse: Police Officer Ibrahim Adam failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 26, 2020, § 87(2)(b) filed this complaint over the phone with IAB on behalf of himself, his coworker § 87(2)(b) and his supervisor § 87(2)(b) generating original log #§ 87(2)(b). The CCRB received the complaint on June 8, 2020.

On May 20, 2020, at approximately 10:45 P.M., Lt. Favio Quizhpi, PO Godwin Ngai, PO Ibrahim Adam, and PO Abir Noor, all assigned to PSA 2, stopped the U-Haul truck that § 87(2)(b) was driving (**Allegations A, B, C, and D, Abuse of Authority: § 87(2)(g)**). § 87(2)(b) pulled over in front of § 87(2)(b) where he and his passenger, § 87(2)(b) worked for the non-profit organization § 87(2)(b) and where their supervisor, § 87(2)(b) was standing outside. Officers told § 87(2)(b) and § 87(2)(b) to exit the vehicle, after which PO Ngai frisked and searched § 87(2)(b) (**Allegations E and F, Abuse of Authority: § 87(2)(g)**) and PO Adam frisked § 87(2)(b) (**Allegation G, Abuse of Authority: § 87(2)(g)**). PO Adam and PO Noor then searched the front and back of the U-Haul (**Allegations H and I, Abuse of Authority: § 87(2)(g)**). PO Noor allegedly refused to provide § 87(2)(b) with his shield number (**Allegation J, Abuse of Authority: § 87(2)(g)**). Lt. Quizhpi, PO Noor, PO Adam, and PO Ngai all failed to provide § 87(2)(b) with a business card (**Allegations K, L, M, and N, Abuse of Authority: § 87(2)(g)**). Lt. Quizhpi and PO Adam failed to provide § 87(2)(b) with a business card (**Allegations O and P, Abuse of Authority: § 87(2)(g)**). § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Neither § 87(2)(b) nor § 87(2)(b) was arrested or issued any summonses.

The investigation obtained a cell phone video of the incident from § 87(2)(b) (**01 Board Review**), as well as body-worn camera (BWC) footage from Lt. Quizhpi, PO Adam, PO Ngai, and PO Noor (**02-05 Board Review**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Favio Quizhpi stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Godwin Ngai stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (C) Abuse of Authority: Police Officer Ibrahim Adam stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Abuse of Authority: Police Officer Abir Noor stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that § 87(2)(b) was driving a 17-foot U-Haul rental truck with two seats in front and a large storage area in back and that § 87(2)(b) was in the passenger's seat. PO Ngai was driving the police vehicle. When PO Ngai activated the vehicle's lights and sirens, § 87(2)(b) did not immediately pull over, but continued to drive, pulling over in front of his office at § 87(2)(b). PO Noor and PO Ngai then approached the driver's side, while Lt. Quizhpi and PO Adam approached the passenger's side. The officers did not arrest either civilian or issue any summonses.

§ 87(2)(b) testified that he and § 87(2)(b) were returning to their office after delivering food and personal protective equipment (PPE) to a location uptown (**06-07 Board Review**). § 87(2)(b) was

driving south on Rockaway Avenue near the intersection with Pitkin Avenue when he noticed an unmarked police vehicle driving in the opposite direction. The vehicle made a U-turn and began driving south. § 87(2)(b) turned east onto Belmont Avenue and drove toward his office. He had not committed any traffic infractions. Shortly after turning, he noticed that the police vehicle behind him had activated its lights and sirens but did not immediately realize that it was trying to pull him over, believing instead that it was trying to get around him. By the time he realized that the officers were trying to pull him over, he was already in front of his office, § 87(2)(b). § 87(2)(b) rolled his window down as the officers approached. He asked PO Noor three times why he had been stopped, but PO Noor did not answer. Later, PO Ngai told § 87(2)(b) that the reason for the stop was that one of the license plate lights was flickering. However, the light was in working order and was not flickering.

§ 87(2)(b) confirmed that he was in the vehicle during the stop but stated that he did not want to participate in the investigation **(08-09 Board Review)**.

§ 87(2)(b) testified that she, § 87(2)(b) and another § 87(2)(b) employee were standing outside their office when she saw § 87(2)(b) turn onto Belmont Avenue **(10-11 Board Review)**. She did not notice him committing any traffic infractions. When § 87(2)(b) was a block or two away from the office, § 87(2)(b) heard police sirens turn on behind the U-Haul. During the stop, § 87(2)(b) heard PO Noor tell § 87(2)(b) that one of the vehicle's back lights was out. When the officers left, § 87(2)(b) staff checked the vehicle's back lights and found that they were all in working order.

§ 87(2)(b) stated that, while standing in front of the office, he heard a siren **(12 Board Review)**. § 87(2)(b) pulled over in front of the office within 30 seconds after this. § 87(2)(b) was not certain where the officers first activated their sirens. § 87(2)(b) stood toward the rear of the U-Haul, closer to the passenger's side where he could see § 87(2)(b) but not § 87(2)(b). Although both § 87(2)(b) and § 87(2)(b) asked officers multiple times why they were pulled over, no officer ever provided an answer.

Lt. Quizhpi, PO Adam, PO Ngai, and PO Noor all testified that they saw the U-Haul fail to signal **(13-16 Board Review)**. Both Lt. Quizhpi and PO Ngai testified that the failure to signal occurred when the U-Haul turned from Rockaway Avenue onto Belmont Avenue. PO Adam recalled that the vehicle was turning but did not recall where. PO Noor did not recall what the vehicle was doing that necessitated signaling. None of the officers recalled who first noticed the violation, whether the officers had any discussion prior to stopping the vehicle, or whose decision it was to pull the vehicle over. No officer recalled whose decision it was not to issue any summonses for the vehicle traffic law (VTL) infraction.

Lt. Quizhpi testified that besides the failure to signal, there was nothing else notable about the U-Haul, and there were no additional violations **(13 Board Review)**. The U-Haul drove a few more blocks after PO Ngai activated the vehicle's lights and sirens. Lt. Quizhpi spoke with § 87(2)(b) but did not explain to him why officers had stopped the vehicle. Lt. Quizhpi did not know which officer warned and admonished the civilians about the VTL infraction and did not hear any officers do so.

PO Adam testified that, in addition to failing to signal, § 87(2)(b) was speeding before PO Ngai activated the lights and sirens **(14 Board Review)**. He did not recall the speed limit in the area or by how much § 87(2)(b) exceeded it. The officers stopped the vehicle for failure to signal, speeding, and nothing else. § 87(2)(b) continued to drive half a block before stopping. When PO Adam approached the vehicle, he also saw that § 87(2)(b) was not wearing a seatbelt. An officer explained the reason for the stop, but PO Adam did not recall if he did so. An officer warned and admonished

the civilians for the failure to signal and failure to wear a seatbelt, but PO Adam did not recall which officer did so.

PO Ngai testified that, in addition to failing to signal, the U-Haul also had a defective license plate light (**15 Board Review**). After PO Ngai activated the lights and sirens, the vehicle drove another three blocks, speeding as it did so. PO Ngai did not recall how much over the 25 miles an hour speed limit the U-Haul was driving. He believed that PO Noor explained the reason for the stop as failure to signal and asked § 87(2)(b) why he did not stop immediately. PO Ngai could not hear § 87(2)(b)'s answer. While standing at the rear of the vehicle, PO Ngai informed § 87(2)(b) that the license plate light was defective. While they were speaking, the light was on, but it had previously been flickering, which was a VTL violation.

PO Noor stated that after PO Ngai engaged the lights and sirens, the U-Haul sped up and drove approximately five blocks before stopping (**16 Board Review**). PO Noor did not recall by how much the vehicle exceeded the speed limit of 25 miles per hour. PO Noor spoke to § 87(2)(b) about his failure to stop. He did not recall what, if anything, § 87(2)(b) said in response.

At 01:15 in PO Adam's BWC, PO Adam tells § 87(2)(b) "You don't have a seatbelt on," (**03 Board Review**). § 87(2)(b) states, "I just literally took my seatbelt off."

At 00:40 in PO Ngai's BWC, PO Noor tells § 87(2)(b) that he pulled him over due to a failure to signal and not pulling over right away (**04 Board Review**). PO Noor also states that he could charge § 87(2)(b) with reckless driving. At 04:35, PO Ngai is standing at the back of the U-Haul with § 87(2)(b) and informs him that the license plate light keeps flickering on and off. He states, "Right now, it's on, but before we stopped you—" PO Ngai then tells § 87(2)(b) that the flickering light is a VTL infraction for which he could receive a summons. The video footage of the light does not show it flickering. At 11:00, after officers conclude a vehicle search and the civilians are back inside the U-Haul, PO Ngai states, "Just like he said, signal, and also for the plate light [...]. It was flickering on and off. It was on just now when we pulled you to the back, but earlier it was off, and it went on and it was off, and it went on. That's what we call defective."

As noted above, BWC footage shows that the license plate lights were functional during the vehicle stop, a fact that PO Ngai acknowledged. The investigation did not obtain any video footage of the U-Haul turning the corner onto Belmont Avenue. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Godwin Ngai frisked § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Godwin Ngai searched § 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Ibrahim Adam frisked § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Ibrahim Adam searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (I) Abuse of Authority: Police Officer Abir Noor searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that after stopping the U-Haul, officers told § 87(2)(b) and § 87(2)(b) to exit the vehicle. PO Adam patted down § 87(2)(b) while PO Ngai patted down § 87(2)(b) and § 87(2)(b) and § 87(2)(b) then stood behind the U-Haul with Lt. Quizhpi and PO Ngai while PO Noor and PO Adam searched the front of the vehicle. § 87(2)(b) and § 87(2)(b) then reentered the front, while

PO Noor and PO Adam searched the back, which is accessible only through a back door.

§ 87(2)(b) testified that he was wearing a staff sweatshirt with an empty front pocket and black sweatpants with two side pockets, one of which contained his wallet **(06-07 Board Review)**. § 87(2)(b)'s wallet was approximately half an inch larger than a credit card and created a visible bulge on the outside of his clothing. PO Ngai patted § 87(2)(b) down on his ankles, up the inside of his legs, between his legs, over his pockets, on his abdomen, his chest, his ribs, and his armpits. PO Ngai entered all three of § 87(2)(b)'s pockets and briefly removed the wallet from his pants pocket. § 87(2)(b) could not see § 87(2)(b) during the pat down. While standing behind the U-Haul, § 87(2)(b) could not see PO Adam and PO Noor searching the front but heard items moving around. The front of the vehicle contained a speaker and PPE. When § 87(2)(b) reentered the front of the U-Haul, the only thing that was different or out of place was a box of PPE that had been moved from one side of the vehicle to the other. The back of the vehicle contained approximately 20 boxes of PPE and non-perishable food items. After the incident, § 87(2)(b) had a conference call with the leadership of the Mayor's Office of Criminal Justice and a commanding officer whose name § 87(2)(b) did not know. The commanding officer stated that he had spoken with the officers and watched the BWC footage. The officers told him that their probable cause for searching § 87(2)(b) § 87(2)(b) and the vehicle was an odor of marijuana. § 87(2)(b) stated that the vehicle did not smell like marijuana. Neither he nor § 87(2)(b) smoked marijuana that day or in general. No one else had access to the vehicle that day.

At the beginning of the stop, § 87(2)(b) could see § 87(2)(b) but not § 87(2)(b) **(10 Board Review)**. § 87(2)(b) was wearing an employee sweatshirt with one pocket on the front and black sweatpants with side pockets and rear pockets. PO Ngai patted down § 87(2)(b) on his shoulders, torso, pockets, and legs. He then entered all of § 87(2)(b)'s sweatpants pockets and removed a pen and some paper. § 87(2)(b) did not recall if PO Ngai entered § 87(2)(b)'s sweatshirt pocket. During the vehicle search, § 87(2)(b) saw PO Noor and PO Adam search the front of the U-Haul under the seats, in the open spaces between the seats, and in the cup holders. She also watched them search the back of the U-Haul, which contained approximately 10 boxes of food, masks, and gloves.

§ 87(2)(b) saw PO Adam pat § 87(2)(b) down but could not see where **(12 Board Review)**. § 87(2)(b) was wearing sweatpants, a du-rag, and a staff shirt. § 87(2)(b) could not see the vehicle search from across the street, where he was standing. § 87(2)(b) did not hear any officer say anything about marijuana. To his knowledge, the U-Haul did not smell like marijuana. § 87(2)(b) and § 87(2)(b) were not marijuana smokers and no one else would have driven the U-Haul since the organization always assigns the same employees to the same U-Haul.

At 03:19 in PO Ngai's BWC, after PO Ngai asks § 87(2)(b) to exit the U-Haul, § 87(2)(b) states, "Somebody going to tell me what's going on?" **(04 Board Review)** PO Ngai states, "What do you mean? He explained it to you. He already explained it to you, right?" § 87(2)(b) states, "He did not." PO Noor then states, "There's a lot of reasons. You need to signal, there's a lot of reasons and you need to pull over right away, all right? So, I could charge you with reckless driving. Relax." At 03:54, PO Ngai is patting § 87(2)(b) down and states, "What is this? It's just a key?" PO Ngai then tells § 87(2)(b) to spread his legs and pats him down on his right leg and the right side of his waist. At 04:17, PO Ngai enters § 87(2)(b)'s right sweatshirt pocket, pulls out a phone, and puts it back.

At 04:25 in PO Adam's BWC, PO Adam tells § 87(2)(b) to exit the U-Haul and states, "I'll explain it to you," **(03 Board Review)**. § 87(2)(b) states, "What y'all looking for?" PO Adam does not say anything and pats § 87(2)(b) down on the outside of his legs and pants pocket, the inside of his legs, on his shoulder, and on his upper left arm. At 05:49, PO Adam searches the passenger's side of the vehicle, including the dashboard, the floor, a green pouch on the floor, a bag of Tide pods, a small

space behind the seat, and a compartment in the front area. At 06:07, PO Adam briefly shines his flashlight over several small pieces of leaves on the floorboard. He immediately moves his flashlight to another spot in the vehicle, does not touch the leaves, and does not say anything to PO Noor.

At 05:50 in Lt. Quizhpi's BWC, Lt. Quizhpi is standing approximately two to three feet from § 87(2)(b) as he arrives at the back of the U-Haul with PO Adam **(02 Board Review)**. § 87(2)(b) states, "I'm really trying to figure out, right? Like what are you going to find in the front of a U-Haul?" Neither PO Adam nor Lt. Quizhpi says anything.

At 04:28 in PO Noor's BWC, PO Noor enters the driver's side of the U-Haul and searches under the seat, in the center console, a compartment in the center of the dashboard, a speaker sitting in between both seats, and the floor below the passenger's seat **(05 Board Review)**. At 05:55, PO Noor states, "A little suspect. They took like forever to pull over [...] check it real good because I didn't like the way they didn't pull over." At 07:05, while still checking the front compartment, PO Noor states, "This is just mad weird. They was trying to book it from us." At 09:58, PO Noor and PO Adam search the rear of the U-Haul.

BWC footage shows the incident in full. At no time in any of the footage do the officers mention the odor of marijuana to each other or the civilians.

Lt. Quizhpi, PO Adam, PO Ngai, and PO Noor all testified that the frisk and search of the civilians, as well as the vehicle search, was solely due to the odor of marijuana emanating from inside the front of the U-Haul **(13-16 Board Review)**. Lt. Quizhpi and PO Adam characterized the smell as unburnt marijuana, PO Noor characterized the smell as burnt marijuana, and PO Ngai was unsure whether it was burnt or unburnt.

Prior to this incident, Lt. Quizhpi stated that he had effected multiple arrests for marijuana and had participated in a Police Academy training to be field test qualified for detecting marijuana **(13 Board Review)**. Lt. Quizhpi did not suspect § 87(2)(b) or § 87(2)(b) of any crime aside from having marijuana in the vehicle. Lt. Quizhpi asked § 87(2)(b) to exit the vehicle. PO Adam then entered § 87(2)(b)'s pockets to search him for contraband. Lt. Quizhpi did not recall if PO Adam patted § 87(2)(b) down before searching him. He did not recall if PO Adam retrieved anything from § 87(2)(b)'s pockets. He did not recall who decided to search § 87(2)(b). Lt. Quizhpi did not instruct officers to search the vehicle and did not know whose decision it was to do so. The officers did not have any conversations about who would perform the search. Lt. Quizhpi did not observe the vehicle search and did not recall whether PO Noor or PO Adam reported finding anything in the vehicle while on scene. After the stop, when back in the police vehicle, PO Noor told Lt. Quizhpi that he had found marijuana residue in the front compartment of the vehicle, where § 87(2)(b) and § 87(2)(b) were sitting. PO Noor did not say how much residue he found or provide any additional information. Lt. Quizhpi did not know what trainings PO Noor had received regarding marijuana identification.

PO Adam testified that his prior marijuana enforcement experience included at least 40 arrests, participation in the Street Narcotics Enforcement Unit, and marijuana field test training, in which a method to test for marijuana was demonstrated **(14 Board Review)**. PO Adam did not discuss the odor with any officer or § 87(2)(b) noting that officers generally discuss this with civilians while they are standing at the back of the vehicle during the vehicle search. He asked § 87(2)(b) to step out of the vehicle due to the smell of marijuana. He did not suspect either occupant of committing any other crime. PO Adam was initially unsure if he frisked § 87(2)(b) but after watching his BWC from 04:25 to 05:45, he acknowledged that he frisked § 87(2)(b) due to the marijuana odor and for no other reason. He believed that he patted § 87(2)(b) down on his pockets. He did not recall if there were any bulges on § 87(2)(b)'s person. PO Adam stated that it was likely a collective decision to

search the vehicle and he did not believe the officers discussed it any point. The only reason to search the vehicle was for the odor of marijuana. While searching, PO Adam saw marijuana residue, which looked like crumbs of a green leafy substance, near the cup holder and on the floor between the driver and passenger's seat. After watching his BWC from 05:48 to 07:25, PO Adam identified the marijuana crumbs as small pieces of leaves on the corner of the floorboards at 06:02. He did not find any larger quantity of marijuana. He did not recall if he told PO Noor about the residue. The officers also searched the back of the vehicle, accessible only through the back door. They did this because they only recovered marijuana residue, but the odor was sufficiently strong that it might have been coming from the back. PO Adam did not recall if he or PO Noor found anything in the back of the U-Haul. After watching his BWC from 03:53 to 04:52, PO Adam stated that he did not answer § 87(2)(b)'s question about what he was looking for because he tries not to interact with a civilian when face-to-face with them since anything could happen at that point. Additionally, he stated that he must not lose focus when frisking someone because he does not know what the person has on them. After watching his BWC from 05:32 to 05:45, PO Adam stated that he did not answer § 87(2)(b)'s question regarding what he was going to find in a U-Haul because he did not know if § 87(2)(b) was speaking to him or Lt. Quizhpi. After watching PO Noor's BWC from 05:55 to 06:07, PO Adam testified that he understood PO Noor's statement, "Check it real good, 'cause I didn't like the way they didn't pull over," to mean that civilians who do not pull over right away often do so to have time to hide evidence.

PO Ngai testified that his marijuana enforcement experience included Police Academy and Street Narcotics Enforcement Unit trainings regarding identifying marijuana by color, odor, and packaging (**15 Board Review**). He had also effected multiple marijuana arrests but was unable to estimate how many. PO Ngai asked § 87(2)(b) to exit the vehicle. He did not recall whose decision it was to search the occupants or vehicle but stated that this would typically be a unanimous decision. He did not recall any conversations with officers in regards. PO Ngai patted down and searched § 87(2)(b) and found something tubular in his pocket but did not recall what this object was except that it was not a weapon. PO Ngai did not recall what § 87(2)(b) was wearing or if he had any bulges on his person. He searched § 87(2)(b) due to the strong odor of marijuana that provided probable cause for contraband search. PO Ngai did not recall if any officer mentioned finding marijuana. After watching his BWC from 03:14 to 03:43, in which § 87(2)(b) asks for an explanation of what was "going on," PO Ngai stated that he did not have an independent recollection of that moment, but that he did not answer because PO Noor would have already discussed the odor with § 87(2)(b) by that point since that is typical protocol.

PO Noor testified that his marijuana enforcement experience included 20 marijuana arrests, multiple summonses, and Police Academy trainings regarding how to identify marijuana (**16 Board Review**). PO Noor asked § 87(2)(b) to exit the vehicle and did not recall if he mentioned the odor. He patted § 87(2)(b) down to ensure the officers' safety and because he was looking for contraband based on the odor of marijuana, which provided probable cause. He did not recall what § 87(2)(b) was wearing or if there were any bulges on his person. He did not feel any weapons during his pat down and did not recall if he entered any pockets. PO Noor searched the driver's side front area due to the odor of marijuana and for no other reason. He found residue of a green leafy substance all over the vehicle, including in the cupholders and the front center console. He did not find any quantity of marijuana larger than residue and did not recall if he told any officer about the residue. He searched the back of the vehicle due to probable cause based on the odor and residue. He did not recall if there was any odor coming from the back or if he found any marijuana there. Officers did not take enforcement action for the marijuana because there was not enough marijuana to voucher. After watching his BWC from 04:28 to 06:13 minute, PO Noor stated that it was hard to tell in the video where he found the residue but that he recalled it being in the cupholder. Regarding his statements in that segment, "A little suspect. They took forever to pull over," and "Check it real good because I didn't like the

way they didn't pull over," PO Noor stated that he did not recall making the statement or what he meant by it. Nothing else besides the odor of marijuana motivated the search. After watching his BWC from 09:16 to 09:25, PO Noor stated that he did not recall why he did not mention the odor when warning and admonishing the driver about the VTL infractions.

PO Noor's memo book contains a 10:22 P.M. entry for this incident, categorized as "Enforcement – Other," **(24 Board Review)**. In the comment, PO Noor noted, "Car stop for failure to signal, reckless driving. Vehicle searched for strong odor. Warned 91." PO Noor's memo book for the date contains 17 entries regarding vehicle stops, 15 of which state that the officers stopped a vehicle for a VTL infraction, searched it due to an odor or odor of marijuana, warned and admonished, and did not issue any summonses or make any arrests. Only one of these entries states that officers recovered any marijuana from the vehicle. Specifically, a 6:30 P.M. entry states that there was "residue on floorboard and cup holder."

According to People v. Chestnut, 43 A.D.2d 260 (1974), the smell of marijuana smoke on its own can be sufficient to provide police officers with probable cause to search an automobile and its occupants **(17 Board Review)**.

BWC footage shows that officers repeatedly discussed the VTL infractions with the civilians: PO Noor told § 87(2)(b) twice that he failed signal and pull over immediately; PO Ngai informed § 87(2)(b) about the defective license plate light; and PO Adam told § 87(2)(b) that he should wear a seatbelt. Despite this significant amount of time spent warning and admonishing, no officer ever mentioned the odor of marijuana to either civilian although both § 87(2)(b) and § 87(2)(b) repeatedly asked them to explain the reason for the frisks, search, and vehicle search. Additionally, no officer ever mentions the odor of marijuana to any other officer. Even when PO Adam and PO Noor allegedly find marijuana residue in the front of the U-Haul, neither mentions this to the other one, rather PO Noor discusses § 87(2)(b)'s failure to immediately pull over. While PO Noor does mention a strong odor (though does not mention marijuana specifically) in his memo book entry, he did not document finding the residue to which he testified. PO Noor's other entries from that date show that the officers stopped 17 vehicles, 15 of which they searched for an odor and in none of these stops did officers issue any summonses or document finding anything other than one unrelated stop in which marijuana residue was found on the floor and in the cup holder, the same locations in which PO Adam testified to finding residue in the U-haul. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Abuse of Authority: Police Officer Abir Noor refused to provide his shield number to § 87(2)(b)

It is undisputed that after PO Noor and PO Adam searched the back of the U-Haul, § 87(2)(b) asked PO Adam for his shield number and he provided it to her.

§ 87(2)(b) testified that she asked both PO Noor and PO Adam for their shield number simultaneously **(10-11 Board Review)**. She did not recall how exactly she asked the question. The officers had just finished searching the rear of the U-Haul and were in the process of closing the back door at the time. § 87(2)(b) was standing approximately one car's length away from both officers. PO Noor did not state that he would not provide her with his shield number, but just did not say anything in response.

PO Noor testified that no civilian asked him for his shield number, and he did not refuse to provide

his shield number to any civilian (**16 Board Review**). PO Adam stated that when § 87(2)(b) approached him and asked for his name and shield, PO Noor was on the other side of the vehicle (**14 Board Review**). § 87(2)(b) did not ask PO Noor for his shield number. Lt. Quizhpi and PO Ngai both testified that they did not recall hearing any civilian ask PO Noor for his shield number (**13, 15 Board Review**).

At 00:37 in § 87(2)(b)'s cell phone video, § 87(2)(b) is standing approximately one car's length away from the back of the U-Haul as PO Noor closes its back door with PO Adam standing beside him (**01 Board Review**). The recording does not capture § 87(2)(b) asking for any officer's name or shield number.

At 11:20 in PO Adam's BWC, § 87(2)(b) states, "What is your name?" (**03 Board Review**). PO Adam states, "Officer Adam." § 87(2)(b) asks, "What is your badge number?" PO Adam states, "20396." Neither § 87(2)(b) nor PO Noor is visible in the footage.

At 11:15 in PO Noor's BWC, he walks to the driver's side of the vehicle immediately after the vehicle search is completed, remaining toward the back of the vehicle (**05 Board Review**). Neither § 87(2)(b)'s voice asking for PO Adam's shield number, nor PO Adam's voice responding is audible in the footage.

Existing video footage does not show how far away § 87(2)(b) and PO Noor were standing from each other when § 87(2)(b) asked for a shield number. However, § 87(2)(b)'s voice is clearly audible in PO Adam's BWC and cannot be heard on PO Noor's BWC. Additionally, after PO Adam provides his information to § 87(2)(b) she does not follow up with PO Noor. § 87(2)(g)

Allegation (K) Abuse of Authority: Lieutenant Favio Quizhpi failed to provide § 87(2)(b) with a business card.

Allegation (L) Abuse of Authority: Police Officer Abir Noor failed to provide § 87(2)(b) with a business card.

Allegation (M) Abuse of Authority: Police Officer Ibrahim Adam failed to provide § 87(2)(b) with a business card.

Allegation (N) Abuse of Authority: Police Officer Godwin Ngai failed to provide § 87(2)(b) with a business card.

Allegation (O) Abuse of Authority: Lieutenant Favio Quizhpi failed to provide § 87(2)(b) with a business card.

Allegation (P) Abuse of Authority: Police Officer Ibrahim Adam failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that no officer gave him a business card during the incident (**07 Board Review**).

BWC shows the incident in full and does not show any officer providing § 87(2)(b) or § 87(2)(b) a business card or offering one to them.

Lt. Quizhpi, PO Adam, and PO Ngai testified that they did not provide either civilian with a business card (**13-15 Board Review**). PO Noor testified that he did not recall if he provided the civilians with business cards (**16 Board Review**). All four officers testified that they were not required to provide business cards in the situation. Lt. Quizhpi stated that this was because officers had probable cause to search the vehicle for marijuana. PO Adam, PO Ngai, and PO Noor testified that this was because, at

the time, officers were not required to provide civilians with business cards during vehicle stops.

According to NYPD Administrative Guide §14-174, uniformed members of the service are required to offer a business card upon the conclusion of law enforcement activities that do not result in arrests or summonses (**18 Board Review**). Although vehicle stops are not listed among the enforcement activities for which the provision of business cards is required, frisks and searches “of persons or property, including vehicles” are.

Since PO Ngai frisked and searched § 87(2)(b) PO Adam and PO Noor searched the vehicle, and Lt. Quizhpi supervised these actions, protocol required all four officers to provide § 87(2)(b) with a business card. Since PO Adam frisked § 87(2)(b) and Lt. Quizhpi supervised, protocol required that they provide § 87(2)(b) with a business card. § 87(2)(g) Lt. Quizhpi, PO Adam, and PO Ngai’s testimony and BWC footage confirm that none of the officers provided § 87(2)(b) or § 87(2)(b) with a business card. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party **(26-28 Board Review)**.
- Lt. Quizhpi has been a member of service for 12 years and has been a subject in 16 additional CCRB complaints and 42 additional allegations, none of which were substantiated. Four additional complaints of failure to provide a business card have been pleaded against Lt. Quizhpi. § 87(2)(g) 202002987 was closed as complainant unavailable; 202002918 is currently pending board review; and 201810311 was closed as mediated. § 87(2)(g) [REDACTED]
- PO Adam has been a member of service for six years and has been a subject in eight additional CCRB complaints and 34 additional allegations, none of which were substantiated. Six additional complaints of vehicle stops, four additional complaints of vehicle searches, and four additional complaints of frisks have been pleaded against PO Adam. 202100486 involved allegations of a frisk and search of vehicle, which were closed as complainant uncooperative. 202003273 involves two vehicle stop allegations and is currently under investigation. 202001105 involved vehicle stop, frisk, and vehicle search allegations and was closed as victim unavailable. 201809495 involved vehicle stop, vehicle search, and frisk allegations and was closed as complainant uncooperative. 201709087 involved vehicle stop,

frisk, and vehicle search allegations, which were closed as exonerated, as well as an additional vehicle stop allegation, which was closed as unsubstantiated.

- PO Ngai has been a member of service for eight years and has been a subject in 14 additional CCRB complaints and 42 additional allegations, of which three were substantiated:
 - 201904359 involved substantiated allegations of a strip search and failure to provide a business card. The Board recommended charges and the NYPD imposed charges.
 - 201904342 involved substantiated allegations of failure to provide a business card. The Board recommended command-level instructions and the NYPD imposed instructions.

Six additional allegations of failure to provide a business card, three additional frisk allegations, three additional search of person allegations, and two additional vehicle stop allegations have been pleaded against PO Ngai. 202101990 involved a vehicle stop allegation that was closed as complainant uncooperative. 202008465 involves vehicle stop, frisk, and search of person allegations and two failure to provide a business card allegations, which are still under investigation. 202002901 involves allegations of search of person and failure to provide a business card, which are still under investigation. 201900062 involved a frisk allegation, which was exonerated. 201810311 involved allegations of a frisk, a search of person, and failure to provide a business card, which were mediated.

- PO Noor has been a member of service for six years and has been a subject in 14 additional complaints and 38 additional allegations, none of which were substantiated. Five additional vehicle stop allegations and two additional vehicle search allegations have been pleaded against PO Noor. 202100061 involved a vehicle stop allegation and was closed pending litigation. 202003273 involves two vehicle stop allegations and is currently under investigation. 201907063 involved vehicle stop and vehicle search allegations, which were closed as complainant unavailable. 201809495 involved a vehicle stop allegation and was closed as complainant uncooperative. 201707499 involved a vehicle search allegation and was closed as mediated.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On November 25, 2020, December 14, 2020, and January 29, 2021, the New York City Office of the Comptroller confirmed that § 87(2)(b) and § 87(2)(b) did not file a Notice of Claim in regards to this complaint (29-31 Board Review).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad: 1

Investigator: Rachel Adler

12/13/2021

Signature

Investigator Rachel Adler

Print Title & Name

Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____